

MAZIE SLATER KATZ & FREEMAN, LLC

103 Eisenhower Parkway, Suite 207, Roseland, NJ 07068

Phone: (973) 228-9898 - Fax: (973) 228-0303

www.mazieslater.com

David A. Mazie*
Adam M. Slater*^o
Eric D. Katz*^o
David M. Freeman
Beth G. Baldinger
Matthew R. Mendelsohn^o
David M. Estes

*Certified by the Supreme Court of
New Jersey as a Civil Trial Attorney

Karen G. Kelsen^o
Adam M. Epstein^o
Cory J. Rothbort*^o
Michael R. Griffith^o
Christopher J. Geddis
Samuel G. Wildman
Julia S. Slater^o
Trevor D. Dickson

^oMember of N.J. & N.Y. Bars

January 4, 2022

VIA ECF

Honorable Robert Kugler, U.S.D.J.
U.S. District Court - District of New Jersey
Mitchell S. Cohen Building & US
Courthouse
1 John F. Gerry Plaza, Courtroom 4D
4th and Cooper Streets
Camden, New Jersey 08101

Honorable Thomas I. Vanaskie (Ret.)
Special Master
Stevens & Lee
1500 Market St., East Tower, Suite 1800
Philadelphia, Pennsylvania 19103-7360

Re: ***In re Valsartan, Losartan, and Irbesartan Liability Litigation,***
Case No. 1:19-md-02875-RBK (D.N.J.)

Dear Judge Kugler and Judge Vanaskie:

Please accept this letter on behalf of Plaintiffs in advance of tomorrow's discovery hearing and case management conference.

1. Plaintiffs' Request to Modify the Parameters for Disclosing ZHP's Alleged State Secrets.

Plaintiffs understand and appreciate the Court's directions regarding the need to limit the number of attorneys who will have access to the documents at issue, and for the maintenance of a disclosure log. Plaintiffs are committed to meeting those requirements. In an effort to avoid the need for motion practice, as provided in the Order, Plaintiffs request that the Court permit Plaintiffs' Lead Counsel to provide access to the documents to a small number (no more than three

Honorable Robert Kugler, U.S.D.J.
Honorable Thomas I. Vanaskie (Ret.)
January 4, 2022
Page 2

or four) attorneys who are not PEC members, but who have been integral to Plaintiffs' knowledge and understanding of the ZHP documents, and to a translator based on Plaintiffs' expectation that the documents are in the Chinese language. As stated, with the exception of the requested exception as to who may be permitted access to the documents, Plaintiffs will safeguard the confidentiality of these documents as directed by the Court.

2. Defendants Request for Expedited Briefing Schedule Regarding Additional Time for Conti and Quick Depositions.

Defendants have renewed their request for additional time to depose certain of Plaintiffs' class experts, and the Parties have met and conferred. Plaintiffs have advised Defendants that the Court has already heard substantial argument on this issue and has issued guidance, if not an actual ruling, on the manner in which the Parties should proceed. The Court advised that as the F.R.C.P. provides for up to seven hours of examination, that the Parties should proceed as to each witness with the expectation that examinations may take up to seven hours and that (1) a motion to terminate or limit is available under F.R.C.P. 30(d)(3) as to any witness whose examination is believed to require less than seven hours, and (2) the Parties are also free to enlarge the duration of the examination by agreement, or upon further application to the Court. The Court correctly observed that there is no meaningful way to determine in advance whether a particular witness may require seven hours of examination, or some lesser or greater duration of time, and that the length of an expert's report is not dispositive of the amount of time required to examine that expert. Accordingly, Plaintiffs believe the Parties should proceed as suggested under F.R.C.P. 30 and the guidance provided by the Court and that further consultation or briefing to the Court is presently unnecessary and unavailing on this topic until the examination of the witnesses actually occur.

Honorable Robert Kugler, U.S.D.J.
Honorable Thomas I. Vanaskie (Ret.)
January 4, 2022
Page 3

Finally, Plaintiffs are committed to reasonably entertaining requests to enlarge the time of examination of a witness in “real time” as those examinations occur, and expect reciprocal consideration from Defendants as to requests to terminate or limit examinations of witnesses who may not require seven full hours of examination.

3. Plaintiff Fact Sheet Show Cause Submissions.

Plaintiffs will be prepared to address this issue during the case management conference.

Respectfully,



ADAM M. SLATER